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EXAMINER

HOSSAIN, FARZANA E

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,306	Applicant(s) JOHNSON, JOHN PETER	
	Examiner FARZANA HOSSAIN	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. This office action is in response to communications filed 06/29/2009. Claims 1-7 are cancelled. Claims 8, 12, 16 and 17 are amended. Claims 9-11 and 13-15 are previously presented. Claims 18-23 are new. Note: Claim 8 is marked as previously presented instead of amended.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claim 8, the applicant argues that Eldering and Eldering2 do not disclose the expiration and TTL limitations (Page 11, 13, 14, 15). The applicant also argues that Eldering2 discloses transmitting advertisements to receivers but does not disclose transmitting multiple advertisements to a target IP address for the same advertisement slot (Page 12).

In response to the arguments, the examiner respectfully disagrees on some points. Eldering2 discloses means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the

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same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074), the means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot as the different IP addresses of different subgroups would receive different advertisements to be displayed at the same time as ads are inserted for subgroups in programming streams (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0075). Eldering3 discloses each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070), the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006). See new rejection for more details for TTL and values.

Regarding Claim 20, the applicant makes similar arguments to Claim 8. See above response.

Regarding Claim 22, the applicant argues that the cited references do not discloses audience profiles based on analysis of viewing habits over a period of time.

In response to the arguments, the examiner respectfully disagrees. Eldering discloses the program receiving audience profiles being based on an analysis of individual audience member's viewing habits over a period of time and subsequent build up of these profiles into clusters of interest groups for content and advertisement

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targeting purposes (Page 2, paragraph 0034, Page 3, paragraph 0037, Page 4, paragraph 0071, Figure 1, 108). See above response to claim 8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 10, 12, 13 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al (US 2004/0148625 and hereafter referred to as "Eldering") in view of Eldering (US 2005/0193410 and hereafter referred to as "Eldering2"), Eldering et al (US 2002/0083443 and hereafter referred to as "Eldering3") and Hermann et al (US 2002/0176391 and hereafter referred to as "Hermann").

Regarding Claim 8, Eldering discloses a system for broadcasting advertisements to an audience which comprises:

means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108); means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 3, paragraph 0038, Page 4, paragraph 0072, Figure 1, 110);

and means for broadcasting advertisements dependent upon target audience profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078, Page 6, paragraph 0089-0091, Figure 1, 114);

wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with unique subscriber ID in order to determine the nature of the programs viewed by the program receiving audience per at least one unique subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Figure 1, 108, 110);

the means for broadcasting advertisements operate with means for analyzing viewer habits for particular subscriber IDs in order to generate a program-receiving audience profile for at least one subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 6, paragraph 0091, Figure 1, 104). Eldering discloses that sending advertisements to the user via IP addresses (Page 6, paragraph 0091) and means for dictating not only that certain advertisements shall be broadcast (Figure 1, 112, Page 5, paragraphs 0078, 0084). Eldering does not explicitly disclose interrogating a subscriber with individual IP address, analyzing viewer habits for particular IP addresses; means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast; and means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot, with each

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advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination.

In analogous art, Eldering2 discloses a system for broadcasting advertisements to an audience which comprises: means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037); means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 2, paragraph 0034); wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with individual IP addresses in order to determine the nature of the programs viewed by the program receiving audience per at least one IP address (Page 3, paragraph 0036, Page 6, paragraph 0074); the means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program-receiving audience profile or characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); and the system further comprises: means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074), the means for broadcasting advertisements transmits

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multiple advertisements to a target IP address for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering to include interrogating a subscriber with individual IP address (Page 3, paragraph 0036, Page 6, paragraph 0074) analyzing viewer habits for particular IP addresses (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074); the means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot (Page 3, paragraphs 0045-0047,) as taught by Eldering2 in order to present advertisements in an Internet environment for individualized service (Page 2, paragraph 0026) as disclosed by Eldering2.

The combination is silent on with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination.

In analogous art, Eldering3 discloses with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070),

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the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070), the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006) as taught by Eldering3 in order to present the most up to date ads to the viewer.

The combination is silent on the TTL set at a value approaching zero.

In analogous art, Hermann discloses the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026) as taught by Hermann in order to provide a specific value to define expiration so that the expired advertisement will not be displayed.

Regarding Claim 10, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses the system uses a bank of advertising campaigns where advertising campaigns are classified by integrating numerically tagged segment codes or based on the selected advertisements, the advertisements are classified by integrating numerical codes or AD1, AD2, AD3 (Figure 10).

Regarding Claim 12, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering and Eldering2 are silent on means for receiving multiple advertisements from a broadcast network and a mechanism for allowing the play-out of only a portion of the advertisements' broadcast whilst the remaining portion expires. Eldering3 discloses means for receiving multiple advertisements from a means for broadcasting advertisements (Figure 2, 210, 202) and a mechanism for allowing the play-out of only a portion of the advertisements' broadcast whilst the remaining portion expires (Page 6, paragraphs 0085-0087). Hermann discloses expiration is based on TTL values of each of the advertisements (Page 3, paragraph 0026, Page 2, paragraph 0021).

Regarding Claim 13, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses the system stores as the program buyer profile, time of broadcast and nature of broadcast and utilizes an interface between the audience profiles data stored and the further information to select appropriate advertisements (Pages 2-3, paragraphs 0034-0036, Page 4, paragraphs 0065, 0071, Figure 9, Page 5, paragraph 0084).

Regarding Claim 17, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses the information identified such as the audience profiles is stored remotely from the viewer/listener receiver units (Figure 1, 108, 100, Page 4, paragraph 0065).

Regarding Claim 18, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses wherein the program receiving audience

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profiles are based on an analysis of individual audience member's viewing habits over a period of time and subsequent build up of these profiles into clusters of interest groups for content and advertisement targeting purposes (Page 2, paragraph 0034, Page 3, paragraph 0037). Eldering3 discloses Eldering discloses wherein the program receiving audience profiles are based on an analysis of individual audience member's viewing habits over a period of time and subsequent build up of these profiles into clusters of interest groups for content and advertisement targeting purposes (Pages 3-4, paragraph 0045-0047).

Regarding Claim 19, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses the system uses a bank of advertising campaigns or advertisements of advertisers (Page 6, paragraph 0095), the system being configured such that advertising campaign material and/or mainstream broadcast content can be collated or arranged, grouped, managed and coordinated for the purpose of linking the profile groupings to relevant content in order to achieve targeting and personalized delivery of content (Page 3, paragraphs 0039-0045, 0047, 0049, 0050 0052, Page 4, paragraph 0072).

Regarding Claim 20, Eldering discloses a system for broadcasting advertisements to an audience which comprises:

means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108);

means for interrogating set top boxes with unique subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Figure 1, 108, 110); wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating STBs with unique subscriber IDs in order to determine the nature of the programs viewed by the program receiving audience per at least one unique subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071);

means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 3, paragraph 0038, Page 4, paragraph 0072, Figure 1, 110);

and means for broadcasting advertisements dependent upon target audience profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078, Page 6, paragraph 0089-0091, Figure 1, 114);

the means for broadcasting advertisements operate with means for analyzing viewer habits for particular subscriber IDs in order to generate a program-receiving audience profile for at least one subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 6, paragraph 0091, Figure 1, 104). Eldering discloses that sending advertisements to the user via IP addresses (Page 6, paragraph 0091). Eldering does not explicitly disclose means interrogating a subscriber with individual IP address, analyzing viewer habits for particular IP addresses; means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective

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advertisement `slots`, during the same broadcast; and means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot, with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination.

In analogous art, Eldering² discloses a system for broadcasting advertisements to an audience which comprises: means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037); means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 2, paragraph 0034); wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with individual IP addresses in order to determine the nature of the programs viewed by the program receiving audience per at least one IP address (Page 3, paragraph 0036, Page 6, paragraph 0074); the means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program-receiving audience profile or characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); and the system further comprises: means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1,

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paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074), the means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering to include interrogating a subscriber with individual IP address (Page 3, paragraph 0036, Page 6, paragraph 0074) analyzing viewer habits for particular IP addresses (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074); the means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot (Page 3, paragraphs 0045-0047,) as taught by Eldering2 in order to present advertisements in an Internet environment for individualized service (Page 2, paragraph 0026) as disclosed by Eldering2.

The combination is silent on with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination.

In analogous art, Eldering3 discloses with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070), the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070), the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006) as taught by Eldering3 in order to present the most up to date ads to the viewer.

The combination is silent on the TTL set at a value approaching zero.

In analogous art, Hermann discloses the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026) as taught by Hermann in order to provide a specific value to define expiration so that the expired advertisement will not be displayed.

Regarding Claim 21, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 20. Eldering and Eldering2 are silent on means for receiving

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multiple advertisements from a broadcast network and a mechanism for allowing the play-out of only a portion of the advertisements' broadcast while the remaining portion expires Eldering3 discloses means for receiving multiple advertisements from a means for broadcasting advertisements (Figure 2, 210, 202) and a mechanism for allowing the play-out of only a portion of the advertisements' broadcast whilst the remaining portion expires (Page 6, paragraphs 0085-0087). Hermann discloses expiration is based on TTL values of each of the advertisements (Page 3, paragraph 0026, Page 2, paragraph 0021).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Ivanyi (US 6,286,140).

Regarding Claim 9, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses storing data for analysis in a data collector located remotely from the set top boxes (Figure 1, 108, 100, Page 4, paragraph 0065). The combination is silent on the system collects data by using polling pulses. In analogous art, Ivanyi discloses the system collects data by using polling pulses or signals (Column 9, lines 5-13, Column 10, lines 35-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the system collects data by using polling pulses or signals (Column 9, lines 5-13, Column 10, lines 35-51) as taught by Ivanyi in order to efficiently

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collect data from a user device for a specific element of information such as polling data (Column 1, lines 28-41) as disclosed by Ivanyi.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Eyer et al (US 2002/0124253 and hereafter referred to as "Eyer").

Regarding Claim 11, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses a first server for obtaining program-receiving profiles or information about the programs watched (Figure 1, 100, 108, Pages 2-3, paragraph 0034-0036, Page 4, paragraph 0065, 0071). The combination is silent on at least a second server containing tagged advertisements. In analogous art, Eyer discloses at least a second server containing tagged or selected advertisements (Page 2, paragraph 0015, Figure 2, 45, 48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least a second server containing tagged or selected advertisements (Page 2, paragraph 0015, Figure 2, 45, 48) as taught by Eyer in order to efficiently use broadcast bandwidth (Page 1, paragraph 0004) as disclosed by Eyer.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Zigmond et al (US 6,698,020 and hereafter referred to as "Zigmond").

Regarding Claim 14, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. The combination is silent on the limitations. The combination is silent on allowing the audience to interact during an advertisement, means which store data as part of the audience profile to record any such interaction and means which may be set to trigger the release of further similarly classified advertisements to the audience. Zigmond discloses allowing the audience to interact during an advertisement (Column 9, lines 21-55, Column 16, lines 57-67, Column 17, lines 1-9), means which store data as part of the audience profile to record any such interaction (Column 9, lines 21-55, Column 11, lines 13-30, Column 7, lines 50-65) and means which may be set to trigger the release of further similarly classified advertisements to the audience or advertisements of a subject which match the viewer and system information which includes interaction information (Column 9, lines 21-37, Column 13, lines 48-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination allowing the audience to interact during an advertisement (Column 9, lines 21-55, Column 16, lines 57-67, Column 17, lines 1-9), means which store data as part of the audience profile to record any such interaction (Column 9, lines 21-55, Column 11, lines 13-30, Column 7, lines 50-65) and means which may be set to trigger the release of further similarly classified advertisements to the audience or advertisements of a subject which match the viewer and system information which includes interaction information (Column 9, lines 21-37, Column 13, lines 48-57) as taught by Zigmond in order to allow advertisers to monitor business

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activity before, during and after an advertising campaign (Column 3, lines 50-54) as disclosed by Zigmond.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Srinivasan et al (US 2002/0038455 and hereafter referred to as "Srinivasan").

Regarding Claim 15, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. The combination is silent on during a given broadcast with a plurality of advertisement breaks, the system is adapted to record for an individual audience the series of advertisements delivered during an initial break and then adjust the content of the following series of advertisements delivered during a subsequent break. In analogous art, Srinivasan discloses during a given broadcast with a plurality of advertisement breaks (Page 5, paragraphs 0061-0063), the system is adapted to record for an individual audience the series of advertisements delivered during an initial break (Figures 16-18, Page 6, paragraphs 0074-0076) and then adjust the content of the following series of advertisements delivered during a subsequent break (Figures 16-18, Pages 5-6, paragraphs 0069-0070, 0073). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination during a given broadcast with a plurality of advertisement breaks (Page 5, paragraphs 0061-0063), the system is adapted to record for an individual audience the series of advertisements delivered during an initial break (Figures 16-18, Page 6, paragraphs 0074-0076) and then adjust the content of the following series of

advertisements delivered during a subsequent break (Figures 16-18, Pages 5-6, paragraphs 0069-0070, 0073) as taught by Srinivasan in order to allow system operators to provide advertisements to viewers for the time allotted for each break and to mix and match commercials based on this time for each demographic group (Pages 5-6, paragraphs 0068-0070) as disclosed by Srinivasan.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Zigmond and DePietro (US 2004/0111741 and hereafter referred to as "Depietro").

Regarding Claim 16, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. The combination is silent on the limitations. Zigmond discloses during a given broadcast on a given channel with a plurality of advertisement breaks (Figures 2A-B). Zigmond discloses that the system is adapted to record for an individual audience whether the viewer switches to another channel during the break (Column 9, lines 21-35, Column 7, lines 50-65) and that advertisements are tailored to the channel and content displayed on a channel (Column 10, lines 64-67, Column 11, lines 1-3, Column 12, lines 60-67, Column 13, lines 1-5) and to correspond to the audience in question (Column 13, lines 48-58). Zigmond is silent on means to calculate which channel he/she is likely to switch to and what is the most probable channel. Depietro discloses calculating the channel the audience is likely to switch to and what must be the most probable channel (Page 3, paragraphs 0038-0039).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to during a given broadcast on a given channel with a plurality of advertisement breaks (Figures 2A-B), the system is adapted to record for an individual audience whether the viewer switches to another channel during the break (Column 9, lines 21-35, Column 7, lines 50-65) and that advertisements are tailored to the channel and content displayed on a channel (Column 10, lines 64-67, Column 11, lines 1-3, Column 12, lines 60-67, Column 13, lines 1-5) and to correspond to the audience in question (Column 13, lines 48-58) as taught by Zigmond in order to allow advertisers to monitor business activity before, during and after an advertising campaign (Column 3, lines 50-54) as disclosed by Zigmond.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include calculating the channel the audience is likely to switch to and what must be the most probable channel (Page 3, paragraphs 0038-0039) as taught by Depietro in order to save on cost for receiving and processing every digital channel when simply predicting channel surfing behavior would eliminate delay (Page 1, paragraph 0010) as disclosed by Depietro.

10. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2.

Regarding Claim 22, Eldering discloses a system for broadcasting advertisements to an audience which comprises:

means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108);

means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 3, paragraph 0038, Page 4, paragraph 0072, Figure 1, 110);

and means for broadcasting advertisements dependent upon target audience profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078, Page 6, paragraph 0089-0091, Figure 1, 112);

the program receiving audience profiles being based on an analysis of individual audience member's viewing habits over a period of time and subsequent build up of these profiles into clusters of interest groups for content and advertisement targeting purposes (Page 2, paragraph 0034, Page 3, paragraph 0037, Page 4, paragraph 0071, Figure 1, 108)

wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with unique subscriber ID in order to determine the nature of the programs viewed by the program receiving audience per at least one unique subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Figure 1, 108, 110);

the means for broadcasting advertisements operate with means for analyzing viewer habits for particular subscriber IDs in order to generate a program-receiving audience profile for at least one subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 6, paragraph 0091). Eldering discloses that sending

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advertisements to the user via IP addresses (Page 6, paragraph 0091), means for dictating not only that certain advertisements shall be broadcast (Figure 1, 112, Page 5, paragraphs 0078, 0084). Eldering does not explicitly disclose interrogating a subscriber with individual IP address, analyzing viewer habits for particular IP addresses; means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program receiving audience profile for at least one IP address; means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast.

In analogous art, Eldering² discloses a system for broadcasting advertisements to an audience which comprises: means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037); means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 2, paragraph 0034); wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with individual IP addresses in order to determine the nature of the programs viewed by the program receiving audience per at least one IP address (Page 3, paragraph 0036, Page 6, paragraph 0074); the means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program-receiving audience profile or characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); and means for dictating not only that

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certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074), the means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering to include interrogating a subscriber with individual IP address (Page 3, paragraph 0036, Page 6, paragraph 0074) analyzing viewer habits for particular IP addresses (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program-receiving audience profile or characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074); the means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot (Page 3,

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paragraphs 0045-0047) as taught by Eldering2 in order to present advertisements in an Internet environment for individualized service (Page 2, paragraph 0026) as disclosed by Eldering2.

Regarding Claim 23, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 22. Eldering discloses the system uses a bank of advertising campaigns or advertisements of advertisers (Page 6, paragraph 0095), the system being configured such that advertising campaign material and/or mainstream broadcast content can be collated or arranged, grouped, managed and coordinated for the purpose of linking the profile groupings to relevant content in order to achieve targeting and personalized delivery of content (Page 3, paragraphs 0039-0045, 0047, 0049, 0050 0052, Page 4, paragraph 0072).

Double Patenting

11. Applicant is advised that should claim 8 be found allowable, claim 20 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FARZANA HOSSAIN/
Primary Examiner, Art Unit 2424

June 3, 2010